

REMARKS

Claims 1-11, 14-24 are pending in this application. Claims 12, 13 are cancelled without prejudice or disclaimer. Claims 17-24, as before, are withdrawn as non-elected, without prejudice to their presentation in an appropriate manner such as in a divisional application.

At paragraph 6 of the Office Action, Claims 12 and 13 have received an objection for improper dependent form for reciting water, when the base claim recites a boiling point of not more than 70°C. To advance prosecution, dependent Claims 12 and 13 have been amended and the objection is believed to be obviated.

In the office action, Claims 1-6 and 10-16 have been rejected under 35 U.S.C. 103(a) as unpatentable over Laurent. Claims 7-9 have been rejected under 35 U.S.C. 103(a) as unpatentable over Laurent in view of O'Connell.

Applicants respectfully traverse these obviousness rejections.

Applicants's claim 1 recites "a diluent in which the binder is dissolved and the fibers are dispersed and wherein the diluent has a boiling point of not more than 70°C". The Examiner admits that "Laurent fails to teach using diluents other than water" (office action at page 3) which has a boiling point of 100°C.

A person of ordinary skill in the art would have lacked motivation to sort diluents for use or non-use with a binder and fibers based on its boiling point generally, much less comparing its boiling point to 70°C, which is novel, having been invented by Applicants. The Examiner has not supplied adequate reasoning why the hypothetical person of ordinary skill in the art would supposedly have this concept which was only first invented by Applicants. The Examiner has engaged in impermissible hindsight reconstruction of Applicants' invention using Applicants' own claims and specification.

In the first instance, it is only because of Applicants' claim 1 that the Examiner even pays special attention to the diluent in Laurent. A person of "ordinary" skill in the art at the time of Applicants' invention is not called to pay any special attention to the diluent, water, in Laurent. Laurent offers nothing to make a person of ordinary skill in the art consider a non-water diluent. For instance, Laurent does not at any point suggest that one should care about when the diluent evaporates. The Examiner's theory along this line has only emerged because the Examiner has

had the benefit of Applicants' claims and specification from which the Examiner sees which diluents are considered by Applicants to be more preferable. But the person of "ordinary" skill in the art had not seen Applicants' claims and specification, and the actual thinking of a person of "ordinary" skill in the art reading Laurent would have been for the use of water as the diluent to seem completely unremarkable, and not a reagent to be avoided.

Indeed, the Examiner's proposed reasoning cannot be properly attributed to the hypothetical person of "ordinary" skill in the art because that person cannot be said to have idiosyncratic or peculiar reasoning. Such a person confronted with a proposal to substitute something else (especially methanol or ethanol) for water in Laurent would have rejected that modification as being *disadvantageous*. To begin with, water is in much more plentiful supply than methanol or ethanol and thus much, much cheaper. Secondly, water is apparently a much 'greener' solvent than the lower molecular weight alcohols mentioned by the Examiner and with the ever-increasing emphasis on green technology in the world which was already in chemical scientists' minds at the time of Applicants' invention, no real-world scientist would have been motivated to arbitrarily substitute water with a much less green solvent such as methanol or ethanol. For example, ethanol is a severe fire hazard and requires specialized storage conditions and precautions; further ethanol is an irritant and described as having toxic effects such that workers are mandated to wear goggles, gloves and such. Indeed, there is a strong trend in the chemical arts over recent decades seeking to replace chemical processes that rely on a disfavored chemical reagent with acceptable substitute chemical processes avoiding the disfavored chemical.

Reconsideration and withdrawal of the obviousness rejections are respectfully sought. For relative simplicity and brevity, we have not separately commented on the dependent claims at this time.

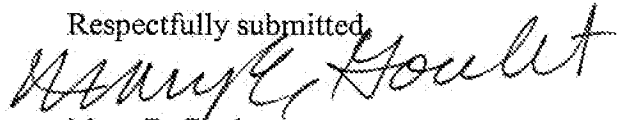
In view of the foregoing, it is respectfully requested that the application be reconsidered, claims 1-11, 14-24 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local

telephone number listed below to discuss any other changes deemed necessary in a telephone or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary E. Goulet", written in a cursive style.

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